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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of

EDLNGER

Appln. No.: 09/890,820

Group Art Unit: 1731

Filed: August 2, 2001

Examiner: Fiorilla, C.

Title: PROCESS FOR PRODUCING MARL SLAG

* * * * *

February 20, 2002

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RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Hon. Commissioner of Patents
Washington, D.C. 20231

Sir:

In response to the Notice of Non-Compliant Amendment (37 CFR 1.121) dated February 15, 2002, applicant requests reconsideration and withdrawal of the finding that applicant's Preliminary Amendment, received by the Patent Office on September 24, 2001, was non-compliant. In the event that this request is not granted, applicant submits herewith a copy of the Preliminary Amendment (dated and sent by first class mail on September 21, 2001) to which is attached an Appendix indicating the differences between the paragraph applicant ordered to be replaced and the replacement paragraph.

It is not asserted that applicant failed to comply with the requirements of 37 CFR 1.121 (b)(1)(i) and (b)(1)(ii) in the originally filed Preliminary Amendment. The only

I hereby certify that this correspondence is being reproduced with the United States
Patent and Trademark Office, Washington, D.C. 20231, and is being addressed to:
Kevin E. Joyce, Director of Patents, Washington, D.C. 20231 on February 20, 2002

Kevin E. Joyce

EDLINGER

Application No. 09/890,820

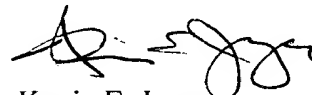
deficiency alleged is that there was no compliance with (b)(1)(iii). Yet, that paragraph states in relevant part:

“ A marked up version does not have to be supplied for an added paragraph or a deleted paragraph as it is sufficient to state that a particular paragraph has been added, or deleted.”

This is exactly what occurred in applicant's Preliminary Amendment. Applicant called for an entire paragraph to be replaced by a substitute paragraph.

It is urged that the Preliminary Amendment now be entered and the application examined on its merits.

Respectfully submitted,



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